



WASTEX RESEARCH, INC.

September 10, 1986

EPA Region 5 Records Ctr.



315967

Bruce Carlson
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Illinois Environmental Protection Agency
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Refer to: 1630450038 -- St. Clair County
Wastex Research, Inc.
ILD980700744
Compliance File
U.S.S. Inspection, July 28, 1986

Dear Mr. Carlson:

The report for the subject inspection has been reviewed by my staff and we feel that it is necessary to make our comments known to you as suggested in the cover letter by Mark Hany. We feel that the report is erroneous and incomplete in many areas and would like to provide additional or alternate information for consideration by the Agency. This letter will follow the same order as the report unless otherwise noted. All comments will be referred to a particular page or section.

On page 2, under item 2 of II. Section A, the inspectors marked S04, storage in surface impoundment, and S03, storage in waste pile, and each has the note behind "not reflected on acknowledged Part A". This would indicate that these practices were a part of the Wastex operations. They are not. There has been no surface impoundment in use at the facility although one had been shown on the revised Part A submitted. The basin under the ST-4 to 7 storage tanks is a retention basin for spills and is not designed, intended, or operated as a surface impoundment. The one shown on the revised Part A was to be a part of the treatment of the liquids resulting from a proposed neutralization unit. That unit has not been constructed or operated. The areas that the Agency has determined to contain waste piles contained only non-hazardous material as determined from samples collected and processed by a reputable independent laboratory.

Under III (B) 1., 2., and 3. the remarks provided by the two inspectors indicate that the deficiency involves only that the waste analysis plan does not include provisions for analyzing

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to determine compliance with "the new 10% solvent mixture rule." Chemical analysis can not determine compliance in this matter as the listing of the solvent mixtures is a result of their use and not due to the actual constituents of the material. A solvent may have been used in formulating a paint or ink and that material, as a waste, may contain more than 10% of the solvent. The solvents in this case were used "as an ingredient in the formulation of a commercial chemical product" and would therefore be exempted from listing. A detailed chemical and physical analysis for each waste has been obtained for permitting by I.E.P.A., a detailed waste analysis plan is on file at Wastex, and the waste analysis plan covers every shipment of waste from off-site.

Under III (C) 1. we must disagree that we do not have 24-hour surveillance. We have a man who lives in a trailer in the area between the office and maintenance shop and with the five dogs present on the Wastex facility there is little possibility of an intruder going undetected. During the off-hours this man is away from the facility for only short random times and the gate to the site is secured during all off-hours and the dogs loose in the facility. In the time since Wastex stopped maintaining 24-hour guards there has not been a single instance of intruders during the off-hours. During the normal working hours when the gate is open the only access to the areas where hazardous material is present is by passing the office or the maintenance shop where personnel are present and the dogs are present also during those periods. The other businesses referred to under III (C) 2. are of the type that require only trucks to enter and leave the facility. Walk on visitors are not a part of the activities. The controlled entry noted under III (C) 3. is provided by the means discussed above and access from the only other gate, the one off Missouri Avenue is controlled by the employees of the body shop immediately adjacent to that gate and there are barriers to prevent vehicular access.

Under III (E) 1. the deficiency noted was minor and has been rectified in that although the laborer job class was shown in the training records we had not listed three laborers by name. The training records for these three as individuals were current and complete at the time of the inspection.

The alarms or communication systems noted under IV (B) 1. and 2. and under IV (D) are provided. Whenever the handling of hazardous waste is required at least two employees are present in the immediate area. There is no significant distance to be covered from any operating area of the facility to reach an area with a telephone or to get the attention of a plant super-

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visor with a walkie-talkie or mobile CB radio. Both radio systems are monitored in the office during all working hours and thereby provide immediate access to emergency assistance.

The adequate aisle space referred to under IV (E) is provided in all areas, even those where the "Chase" inventory is stored. The Agency, by its own interpretation, has determined currently that adequate aisle space means that the drums are to be stored in rows two drums high and two drums wide with aisles between the rows. This is not specified in the regulations, state or federal. The initial storage plan approved by I.E.P.A. for the facility showed the drums stored in rows three high and six or eight wide. This initial approval has not been rescinded although later permits did specify the two by two patterns for new inventory received for storage after the permits were issued.

The recordkeeping specified under VI (C) has been deficient in some ways and those deficiencies are corrected or will be so corrected in the near future. An operating record is maintained but the detail as to the dates of treatment and storage locations was not sufficient. The homogenous nature of the hazardous waste received and stored by the facility makes this record necessary only for regulatory compliance and makes it unnecessary for normal operations. Records of all waste analyses and required inspections performed, as noted under item e., are maintained. Under item g., the cost of closure of the facility does include the retention basin under the ST tanks, referred to as the surface impoundment, and the floor area in Building 16. The use of the tank SL4 is temporary and had not been considered sufficient to cause revision of the closure cost estimate. The pending revision of the closure cost estimate for the facility will be reviewed closely to assure that all units in use are covered.

The information contained under VII (A) is meaningless and does not provide any help in determining compliance with the requirement for a closure plan and closure cost estimate. The remarks under item 1 would indicate that our initial closure plan did not include all units in operation. That plan was complete for the operations at the facility at the time submitted. Item 2 remarks state "inadequate closure plan submitted with Part B". No critique of that submittal has been provided to Wastek to indicate that the responsible personnel have reviewed that submittal. Again, with regard to the remark under item 4, the initial closure plan and closure cost estimate included all units in use at the facility at the time submitted.

Under VIII - I 1. the check mark indicates that drums not in good condition are used for the storage of hazardous waste. All

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drums accepted by Wastex under the current ownership are in good condition. The only drums that may not be in good condition are those containing the "Chase" inventory and they are inspected frequently. None of those drums are leaking and they will not be handled, unless leaking, until they are moved for disposal. The compatibility of the waste with its container has been reviewed for all drums at the facility. The current inventory in storage at the facility is all non corrosive and is stored in steel drums or steel drums with a liner. The portion of the "Chase" inventory determined to be corrosive, acidic, is stored in steel drums with liners in the southwest corner of Building 16. The manifests available and the experience of facility have determined that the other "Chase" inventory drums do not contain corrosive materials and these are all steel drums. The only drums in storage that are not closed are the open-top "Chase" drums. The storage or management of drums to prevent leaks is a nebulous determination and the Wastex staff is unable to determine the problem indicated under item 4. of this section. Any location in the facility where drums of ignitable waste could be stored within 50 feet of the property line would be protected by a chain-link fence and a masonry or steel sheeted building. This item will be reviewed and corrected where necessary. The "indeterminate" notation entered under items 7. and 8. of this section is erroneous as the only materials on-site that would have any potential for incompatibility with the other materials are the corrosives noted above in Building 16 and these materials are well segregated from any other hazardous waste.

There are no Surface Impoundments at Wastex and the notations under VIII - K are therefore not required and will not be given a response.

Also, there are no Waste Piles at Wastex, as determined by analysis, and the notations under VIII - L are not required and will not be given a response.

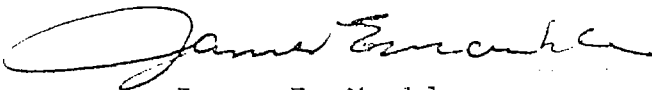
The remarks provided in the last two pages of the inspection report appear to have been addressed in general to the above and after our section by section review further comments appear unnecessary. The two comments regarding the new hazardous waste fuel regulations have been reviewed and appropriate corrective actions, in requesting the required certifications from the customers, have been made. Previous instructions from Cindy Laddage were to not use a manifest for such shipments pending further notice. No such notice has been given by that office to date, however, as of the time of inspection all shipments have been manifested.

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Many of the discrepancies in the inspection report are misconceptions and errors carried over from previous inspections or erroneous interpretations used by the Agency and we feel that this is an appropriate time to suggest correction on the part of the Agency. There has been a serious effort on both sides of the table in our negotiations to develop a settlement agreement in the Federal lawsuit against Wastex and we would ask that this effort be carried over to this matter.

Should additional information or clarification be required, please contact my office.

Sincerely,



James E. Markle
President

cc. Thomas Inmel
Mark Haney
Ken Mensing

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